

Remarks

Claims 1-20 are pending in this application. The examiner has rejected claims 1-20 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,567,892 to Horst et al.

A. Horst Does not Anticipate the Claims

Horst does not anticipate any of the claims of the present application. Each of the independent claims of the present application sets out a system or method for rebuilding a drive that includes a cache and a memory or journal in addition to the cache. Each rebuild command is recorded in the memory or journal. Thus, the memory or journal serves as an additional storage location for each rebuild command and therefore compensates for the potential failure of the cache during a rebuild operation.

Horst does not disclose these limitations. First, the system of Horst does not involve the use of a memory or journal that receives each rebuild command and works in conjunction with a cache to manage the rebuild of a drive. The first cited portion of Horst describes writing command information to non-volatile memory, but does not connect writing command information to this non-volatile memory to periodically flushing the cache in order to preserve the integrity of data during a failure. (Horst, col.15:10-15) The second cited portion of Horst does not disclose storing each rebuild command at least temporarily in the non-volatile memory location. The cited portion of Horst discloses deferring and queuing completion interrupts until a flush of the write cache is completed. This does not teach or disclose “wherein each rebuild command directed to the drive is at least temporarily recorded in the second non-volatile memory during the period that the cache of the drive is enabled,” as required by the claims of the present application. Horst does not collect rebuild commands in a journal pending the flushing of a cache during a rebuild process. At best, Horst describes the deferral and

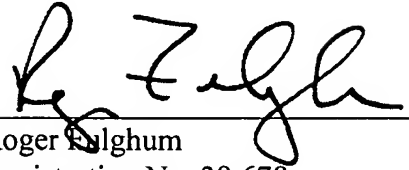
collection of “completion interrupt signals” until a prescribed period when the cache of Horst can be flushed and all of the collected completion interrupt signals can be delivered to the host. Horst states, “[w]rite completion interrupts for write operations that have been sent to the write cache 132 are queued in a Pending Completion Write Queue 170 (PCWQ) until a cache flush is performed.” (Horst, col.6:22-24) Horst goes on to state, “When the flushes are finished, the controller sends the queued completion interrupts to the host.” (Horst, col.7:43-45) This process is entirely different from the system and method of the claims, which involves the collection of write commands in a journal until the cache is flushed to the drive being rebuilt. Saving write commands to a journal is not the same as saving completion interrupt signals to a queue. Additionally, the write commands are the commands themselves. In contrast, the completion interrupt signals of Horst are only an indication that a write is complete, and is not a write command itself.

Because Horst does not disclose each and every element of independent claims 1, 5, 10, and 18, a rejection of these claims on anticipation grounds is improper. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir 1987). “The identical invention must be shown in complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1336 (Fed. Cir 1989).

B. Dependent Claims

Because claims 2-4, 6-9, 11-17, and 19-20 depend from claims 1, 5, 10, and 18, respectively, the rejection of these claims should be withdrawn, and the claims should be passed to issuance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Fulghum', written over a horizontal line.

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